

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

_____	)	
CLARENCE E. SPIVEY,	)	
Petitioner,	)	
	)	
v.	)	C.A. No. 12-33-S
	)	
STATE OF RHODE ISLAND, et al.,	)	
Respondents.	)	
_____	)	

**ORDER**

WILLIAM E. SMITH, United States District Judge.

The Report and Recommendation of United States Magistrate Judge David L. Martin filed on June 29, 2012 (ECF No. 27) in the above-captioned matter is hereby accepted pursuant to Title 28 United States Code § 636(b)(1). Petitioner's Objection To Report and Recommendation (ECF No. 32) is rejected and the State of Rhode Island's Motion to Dismiss "Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody" (ECF No. 6) is hereby GRANTED. As such, the Petition under 28 USC § 2254 for Writ of Habeas Corpus by a Person in State Custody (ECF No. 1) is hereby Dismissed with Prejudice for the reasons stated in the Magistrate Judge's Report and Recommendation.

In addition, Petitioner has filed a Motion for Sanctions (ECF No. 29) based on the arguments made by the State in its

motion to dismiss. Because the Court has granted the motion to dismiss, Petitioner's Motion for Sanctions is hereby DENIED.

IT IS SO ORDERED.

/s/ William E. Smith

William E. Smith  
United States District Judge  
Date: August 29, 2012